

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No: 05-CV-0329-GKF-SAJ
	)	
TYSON FOODS, INC., et al.	)	
	)	
Defendants.	)	

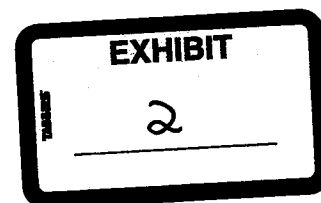
**AFFIDAVIT OF EUGENE B. WELCH, Ph.D.**

I, Eugene B. Welch, Ph.D., of lawful age, being duly sworn upon oath, state:

1. I am Professor Emeritus at the University of Washington. I have over 40 years experience in water quality and fisheries investigations. Over my career as an academic and consultant, I have conducted extensive research in assessing/interpreting/predicting the response of water bodies to nutrients and the effectiveness of lake restoration techniques.

2. Along with my colleague Dr. Dennis Cooke, I have been retained by the Oklahoma Attorney General as an expert witness for the Plaintiff, State of Oklahoma ("State") in the above-captioned litigation. In particular, Dr. Cooke and I have been asked prepare a joint expert report containing our case-specific opinions and analysis in the areas of fisheries, limnology, biology, aquatic ecology, and ecological impacts of pollution of Lake Tenkiller. Per the Court's Scheduling Order, our expert report is due to be submitted to the Defendants by May 15, 2008.

3. Our work on behalf of the State is dependent upon the results of certain environmental modeling which is being conducted by Dr. Scott Wells, another expert



witness retained by the State. Simply put, Dr. Cooke and I cannot complete our work until such time as we have the modeling results from Dr. Wells.

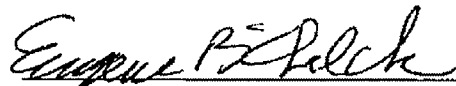
4. Unfortunately, due to circumstances beyond his control, Dr. Wells' modeling work has been delayed. (See Affidavit of Scott A. Wells, Ph.D.) The delay in receiving the modeling results from Dr. Wells has necessarily delayed my work with Dr. Cooke. In particular, Dr. Cooke and I need time to review and analyze the delayed modeling results and to incorporate the results and analysis into our report.

5. Thus, at a minimum, Dr. Cooke and I will need an additional two weeks, or fourteen (14) days, to complete our report.

FURTHER AFFIANT SAYETH NOT.

I declare under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct.

Executed on the 11<sup>th</sup> day of May, 2008.

  
Eugene B. Welch, PhD.